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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,378	03/12/2004	William Chenevich	055555-0233	7289
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EXAMINER TIMBLIN, ROBERT M				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/799,378

Applicant(s)

CHENEVICH ET AL.

Examiner

ROBERT TIMBLIN

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This Office Action corresponds to application 10/799,378 filed 3/12/2004. Claims 1-14 are currently pending.

Prosecution Reopened

In view of the Appeal Brief filed on 4/2/2008, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/John R. Cottingham/

Supervisory Patent Examiner, Art Unit 2167

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10-14 are rejected under 35 U.S.C. 102(b) as being described by Fallon (U.S.

Patent Application 2002/0111946 A1).

With respect to claim 10, Fallon teaches A system for storing, creating, and organizing financial information associated electronically, the system comprising:

a host computer (12) coupled to a network (fig. 1) and running programmed instructions to provide an on-line environment (0028, 0031) for a customer user (0028; i.e. the term “user”) at a customer user computer (16) connectable to the network (fig. 1) to organize, send, search, create, and save financial information (0033, 0081, and 0682) using a hierarchy of folders (0169) defined by the customer user (0028 and 0033; i.e. the term “user”) in the online environment (0028, 0031) hosted at the host computer (12), wherein each folder in the hierarchy of folders (fig. 6) includes a financial document (0033, 0081, and 0682) that includes multiple indicators (0047), wherein the host computer (12) is configured to provide a search across folders (0183-0184).

With respect to claim 11, Fallon teaches the system of claim 10, wherein the financial document includes credit card payments, debit card transactions, imaged checks, electronic bill payments or account statements (claim 18, figure 6).

With respect to claim 12, Fallon teaches the system of claim 10, wherein the financial document is associated with a folder based on instructions from the customer user when the financial information is viewed (0012).

With respect to claim 13, Fallon teaches the system of claim 10, wherein the financial document is associated with a folder automatically upon receipt based on user-defined criteria (0203).

With respect to claim 14, Fallon teaches the system of claim 10, wherein the multiple indicators include document storage time stamp, date last accessed, date posted, dollar amount, group, or category (figures 4-6).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fallon in view of Shutt (U.S. Patent 7,146,367).

With respect to claim 1, Fallon teaches A method of storing, storing, and organizing financial information electronically, the method comprising:

establishing a communication session (0165, 0172) between a first system (16) and a second system (10);

communicating information (0031; e.g. “The user can change, augment, or update the personal legacy plan at any time simply by accessing the Web site, entering identifying information, and accessing the stored information) associated with a financial document (0033, 0081, and 0682) from the second system (10) to the first system (16) the financial document (0033, 0081, and 0682) associated with a first account (Figures 3-1 and 8-2);

providing an online environment (0028, 0031) by the second system (16) configured to allow a customer user (0028; i.e. the term “user”) at the first system (16) to create a folder¹ in the online environment (0028, 0031) hosted at the second system (16 the folder being one of a plurality of folders (fig. 3-1; e.g. ‘Personal’, ‘Legal’, ‘Medical’, and ‘Financial’ folders) associated with the first account (Figures 3-1 and 8-2); and

to associate the financial document (0013, 0033; e.g. “however, only the user can move the information and/or documents into the user’s storage space) with the created folder so that the financial document (0033, 0081, and 0682) is included in the created folder in the online environment (0028, 0031) hosted at the second system (16) wherein the online environment

¹ Creating a folder as taught by Shutt

(0028, 0031) displays the financial document (0033, 0081, and 0682) in the created folder (figures 4-7; i.e. documents are shown in their corresponding folders).

Fallon does not appear to teach creating a folder in the online environment so that the financial document can be included and displayed in the created folder.

Shutt, however, teaches creating a folder (drawing reference 107) in an online environment (figure 13).

In the same field of endeavor, (i.e. financial folder management), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because Shutt would have given Fallon the ability for a user to create folders in which to place documents for the benefit of having a customizable folder tailored to a user. Ultimately, a user of Fallon would benefit from at least this teaching when they are provided with more organizational approaches (need shown by Fallon, en of 0013) to organize a wider variety of information items (needed by Fallon, 0009).

With respect to claim 2, Fallon teaches the method of claim 1, wherein the financial document includes credit card payments, debit card transactions, imaged checks, electronic bill payments or account statements (claim 18, figure 6).

With respect to claim 3, Fallon teaches the method of claim 1, wherein associating the financial document with the created folder is performed based on instructions from the customer user when the financial document is viewed (0012).

With respect to claim 4, Fallon teaches the method of claim 1 wherein associating the financial document with the created folder is performed without human intervention (0203).

With respect to claim 5, Fallon teaches the method of claim 4, wherein automatically associating the financial document with the created folder is based on pre-established criteria (0203; e.g. an item of information entered under one folder heading is also relevant to the contents of one or more of the other folders).

With respect to claim 6, Fallon teaches the method of claim 5, wherein the pre-established criteria includes merchant categories (figure 6).

With respect to claim 7, Fallon teaches the method of claim 1, wherein the online environment is further configured to allow the customer user at the first system to retrieve documents based on a document storage time stamp, date last accessed, date posted, dollar amount, group, or category (figures 4-6).

With respect to claim 8, Fallon teaches the method of claim 1, further comprising communicating financial information from a third system to the first system corresponding to the first account, wherein the third system and the second system contain separate and distinct accounts associated with the customer user (0012).

With respect to claim 9, Fallon teaches the method of claim 1, further comprising providing each of the plurality of folders with a public or private indication, the folders indicated as public being accessible by persons having a shared key (public key – 0168) given them by the customer user (0032).

Response to Arguments

Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection as presented by Fallon and Fallon in view of Shutt.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,684,239 to Flepp et al. The subject matter disclosed therein pertains to the pending claims (i.e. online folder management).

U.S. Patent Application 2003/0236763 to Kilduff. The subject matter disclosed therein pertains to the pending claims (i.e. online folder management).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Timblin whose telephone number is 571-272-5627. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John R. Cottingham/
Supervisory Patent Examiner, Art Unit 2167

/ROBERT TIMBLIN/
Examiner, Art Unit 2167